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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/761,301

01/16/2001

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LOCK1880

3846

7590

12/01/2003

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EXAMINER

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

cb21

Advisory Action

Applicati n No.

09/761,301

Applicant(s)

SCHMIDT, RONALD P.

Examiner

Gladys J Piazza Corcoran

Art Unit

1733

--The MAILING DATE of this communication appears on the c ver sheet with the correspondence address --

THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 13,15-20,22-24,26-29,32,39,43,45 and 46.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 10 November 2003 is a) ☒ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

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PRIMARY EXAMINER
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Continuation of 2. NOTE:

The amendments to the Specification raise new issues including the issue of new matter by reciting a plane normal to exterior side 23 bisecting a corner formed by leg side 21 and base side 19 and a corner formed by base 13 or base 19 and one of the legs 15. The similar amendments in claims 23 and 26 of a plane also raise new issues including the issue of new matter.

Continuation of 10. Other:

Applicant's amendments to the Specification and the claims would overcome the objections in paragraphs 5, 6, 7, 8 of the prior Office Action, paper number 17, if submitted separately in a response without the additional amendments that raise issues discussed above.

As to the Proposed Drawing corrections filed November 10, 2003, sheets 1, 2, 3, 4, 5, and 7 are approved. Sheet 6 is not approved. There is no support in the specification for removing the line of adhesive that is present at the bottom of the portion between the legs in figure 9D. It is noted that the dark lines underneath the bases in figure 1C filed May 1, 2001, also have to be removed in order to conform to the originally filed drawings and to overcome new matter rejections. Figure 4 filed May 1, 2001 shows reference numbers 1 and 12 pointing to the same part, where the originally filed drawings and the specification disclose the reference number 10 as representing an assembly of parts including 12, 14, and 16 (page 8). Additionally, figure 4 filed May 1, 2001 should also include the reference number 13 as shown in the proposed drawing correction filed June 24, 2003 and previously approved. It is further noted that Figures 7A-D filed May 1, 2001 additionally have dark lines between the components where the originally drawings do not. The reference numerals 12, 16, 28 in Figure 9B filed May 1, 2001 should be removed, see Specification, page 10, lines 19-20. As to figure 10 reference 40, in addition to removing the spaces between the pre-form and the web, the dark line between the pre-form and the skin layer should be removed to comply with the originally filed drawing.

It is noted, as to the Amendment to the Specification, line 11 is unclear by reciting base 13 or base 19. There is no base 19, only a base side 19, but that is part of the pressure intensifier.

Applicant argues on pages 10-11, and 12-13 that the amendment of a plane normal to the exterior side 23 that bisects a corner formed by the base and legs and the leg side and base side, is inherent in the drawings as originally filed. Examiner does not agree that the Applicant was in possession and adequately described the new amendments and maintains the rejections.

Applicant argues on page 11 that it is clear from Figure 4 that the base leg 19 and side leg 21 have equal lengths. As discussed in the previous Office Action there is no indication in the Drawings or the Specification that the legs are of equal lengths or that the drawings are working drawings.

Applicant argues on page 12 that Figure 4 shows an adhesive layer on the right side of the vertical part 12 and another adhesive layer on the left side of the vertical part 12 and that the adhesive may be two layers or one U-shaped layer. The originally filed Figure 4 drawing shows one adhesive layer in a U shape that is on the left and right sides of the vertical part 12. Additionally there is no support in the Specification of two separate adhesive layers, in fact the entire specification discloses an adhesive layer, not multiple layers. It is noted that Applicant refers to originally filed figure 9C for more clearly showing two separate adhesive layers. It appears that Applicant may be referring to figure 9C and not 9A, however in either case, there is no clear indication in the original drawings or specification that Applicant had possession of providing two separate adhesive layers. In fact the Specification by reciting an adhesive layer throughout indicates that Applicant only had possession of a single adhesive layer.

Applicant argues on pages 13-20 that the references individually do not teach the claim limitations. However, as discussed in the previous office action, Breuer discloses forming a structural assembly with pre-cured parts and an uncured pre-preg pre-form, Abildskov discloses that it is advantageous to form structural assemblies with woven pie shapes as an improvement over two L-shaped pre-pregs, Hertzberg discloses it is known to provide adhesive layers between structural parts when curing in order to provide higher shear strength, and finally Sloman and/or Barnes show it is known to provide pressure intensifiers in order to provide proper pressure in corner areas of structural parts. Therefore all the claim limitations are met by the references as discussed in the prior Office Action.

It is noted that Applicant argues on pages 17-18 that the reference Sloman does not disclose a flexible or compliant pressure intensifier and that the pressure intensifier in Sloman is fairly rigid. The claim recites a first and second pressure intensifier of flexible material. Sloman does disclose a pressure intensifier of flexible material (elastomeric material). There is no difference between the claimed pressure intensifier and the pressure intensifier disclosed in Sloman. It is unclear how Applicant comes to the conclusion that the pressure intensifier in Sloman is fairly rigid and it is further unclear how one of ordinary skill in the art would be able to ascertain any difference between the relative flexibilities of the claimed invention and the pressure intensifier disclosed in Sloman.

Applicant further argues on page 22 that Barnes does not disclose the claimed invention individually. As discussed above and in the prior Office Action, the reference Barnes is cited to show it is known in the art to provide pressure intensifiers (in particular triangular shaped pressure intensifiers) when vacuum curing structural components together.